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September 11, 1975

Mr. F. Jay Singleton
President
L. E. Carpenter and Company
170 North Main Street
Wharton, New Jersey 07885

Re: Settlement Agreement for Violation
of 40 CFR Part 112
Docket No.: OH-II-75-6

Dear Mr. Singleton:

Enclosed please find an original and two copies of the Settlement Agreement which resulted from our meeting on September 10, 1975. Please sign all copies and return them to EPA for our signature. We will return the two copies to you for your records. Payment of the compromise penalty is due within 30 days.

Please note that EPA desires to receive progress reports from L. E. Carpenter at least every 30 days, in addition to a summary of the conclusions arrived at by Mehran Engineering Corporation when their studies are completed. It is to be understood that the "proposed schedule of implementation" referred to in the settlement agreement will become a part of the conditions agreed to by EPA and L. E. Carpenter.

If you have any questions, please do not hesitate to call me at (212) 264-4430. Your cooperation is appreciated.

Very truly yours,

Henry Gluckstern
Attorney
Enforcement Division

cc: Paul Elliot
EPA Emergency Response

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Memorandum of settlement conference between EPA and
L. E. Carpenter & Company on Notice of Violation of
40 CFR Part 112
Henry Gluckstern
Attorney
Enforcement Division
File

SEP 11 1975

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A meeting was held on September 10, 1975 for the purpose of reaching a compromise settlement on the NOV issued to L. E. Carpenter. Present were Henry Gluckstern, EPA and Henry Jarrett, Plant Engineer, and F. Jay Singleton, President, L.E. Carpenter. First, we discussed the actual storage of oils at the facility. We determined that there were 40,000 gallons #6 fuel oil underground, and 15,000 gallons of naphtha and 10,000 epoxidized soy bean oil. The fill lines to tank are above tank level, so all fluids must be pumped in case of #6 oil. The repiping of #6 tanks spoken of in plan was not yet performed, since the solvent tanks were repiped first. While the inspection procedure is presently unlogged, Mr. Singleton said that in the future they would be logged.

The problem with the barrels stored on the property is that they contain a PVC waste, produced by the process in quantities of cc 8 barrels a week, and that no one wants to reprocess them because there is insufficient technology. Mr. Singleton said they had not yet contacted Mike Polito for assistance.

The present diked area is concrete, except for the floor, which is earth. The company had planned to move the tanks to an adjacent underground vault. It was the excavation for the construction of this vault that caused the spill at the facility.

The present problem is that the NJDEP won't let Carpenter do anything unless they solve their "pollution problem". Mr. Singleton said that he had nothing in writing from Ed Faille or Vernon at NJDEP stating what exactly the state wanted. I said I would contact the state and get information.

Mr. Singleton gave me a copy of a letter from Mehran Engineering Corporation, proposing a \$6,500 engineering study to determine how to solve the ground contamination problem. I told them that it was obvious that such a study would have to be performed, in light of the fact that NJDEP was blocking completion of SPCC implementation.

We discussed the penalty assessed. I explained that it was only in light of the spill that EPA was reluctant to compromise the penalty. After some negotiation, it was agreed that \$4,000 would be paid in 30 days and that EPA would agree to drop prosecution for failure to implement.

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The company would make duly dilligent efforts to implement as soon as possible, and would submit the standard notarized statement of implementation when project was complete.

cc: Paul Elliot
EPA Emergency Response